

### **REMARKS**

This is in response to the Office Action mailed on July 12, 2004, and the references cited therewith.

Claims 1 and 38 are amended, no claims are canceled or are added; as a result, claims 1–75 remain pending in this application.

#### **Claim Objections**

Claims 1 and 38 were objected to because of informalities.

Applicant has amended claims 1 and 38 as suggested in the Office Action to respond to the objection. The amendments are submitted for the purpose of clarifying rather than narrowing the claims and are not intended to narrow the claims. Reconsideration and allowance of the amended claims is requested.

#### **Double Patenting Rejection**

Claims 1-61 were rejected under the judicially created doctrine of double patenting over claims 1-29 of U.S. Patent No. 6,317,370.

Claims 63-76 were rejected under the judicially created doctrine of double patenting over claims 5-10 and 17-25 of U.S. Patent No. 6,643,206.

Applicant does not admit that the claims are obvious in view of Patent Nos. 6,317,370 and 6,643,206. However, a Terminal Disclaimer in compliance with 37 CFR 1.321(b)(iv) is enclosed herewith to obviate these rejections.

#### **Documents Cited but Not Relied upon in this Office Action**

Applicant does not respond to the assertion of pertinence stated for the McElroy patent 4,687,951, which was cited but not relied upon in the Office Action since the patent was not made part of any rejection in this Office Action. Applicant is expressly not admitting to any assertion of pertinence and reserves the right to address the assertion should it form a part of some future rejection.

**CONCLUSION**

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 373-6970 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

BRIAN M. SHIRLEY

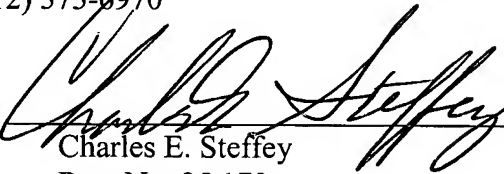
By his Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.  
P.O. Box 2938  
Minneapolis, MN 55402  
(612) 373-6970

Date

November 12, 2004

By

  
Charles E. Steffey  
Reg. No. 25,179

**CERTIFICATE UNDER 37 CFR 1.8:** The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: MS Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 12 day of November, 2004.

Name

KACIA LEE

Signature

Kacia Lee